

Response to Office Action of January 12, 2006
U.S. Patent Application Serial No.: 10/796,839
Title: Attachment System for a Decorative Member

REMARKS

Claims 22, 31 and 41 are amended and claims 42-47 are added herein. Claims 22-47 will be pending upon entry of this amendment. Applicant acknowledges with appreciation that dependent claims 27 and 35 were indicated as being directed to allowable subject matter in the Office Action.

I. Information Disclosure Statement (IDS)

The Office Action asserts that the IDS submitted June 11, 2004 listed five references with incorrect patent numbers. These five references (Cite Nos. 3, 6, 7, 20, and 21) were crossed out on the copy of the IDS form initialed by the Examiner to indicate those references were not considered by the Examiner.

The undersigned attorney has reviewed the IDS and the patent numbers listed for the references indicated as being incorrect and asserts that the patent numbers listed on the IDS are correct. Applicants are not aware of any justification for these references being struck from the record in the previously submitted IDS that was in full compliance with the rules under 37 C.F.R. § 1.97 and § 1.98.

Applicants request consideration of all the references, including the five references indicated as being struck from the record, included in the previously submitted IDS. The undersigned respectfully request a telephone call from the Examiner if any issues remain to prevent the Examiner from fully considering all the references listed on the IDS submitted on June 11, 2004.

II. Objections to Claim 31

Claim 31 was objected to on grounds, as best understood, that the claim attempts to recite positively the combination of a grille with a fenestration unit without including a specific recitation of the term "combination" in the preamble.

Applicants have amended claim 31 to clarify that the claim is directed to a decorative grille for a fenestration unit rather than a decorative grille in combination with the fenestration unit. Although elements of the fenestration unit are recited in some of the added functional

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limitations of the claims, none of the elements of the fenestration unit, nor the fenestration unit itself, are positively claimed so as to imply that the claim is meant to be construed as a combination claim specifically claiming the grille in combination with the fenestration unit. Applicants note that while the functional language is intended to clarify the use of one component of the claimed grille (i.e., the grille clip), no intention to claim the fenestration unit in combination with the grille should be perceived by the addition of this claim language.

Accordingly, applicant asserts that the objections to claim 31 are invalid and/or are overcome by the amendments herein.

III. General Considerations

The present invention is generally directed to a decorative grille for use in a fenestration unit (e.g., window or door) comprising a glass unit and an attachment member such as a sash, frame, or trim strip. The decorative grille includes an installation end for attachment to the attachment member. The grille includes a grille clip, illustrated in various embodiments in the application, pivotally connected to the installation end of the grille for connecting the grille to the attachment member. As best shown in the embodiment illustrated Fig. 6 of the application, the pivotal connection of the grille clip 118 with the grille 110 allows rotation of the grille clip between an uninstalled position (indicated at U) wherein the grille clip is pivoted downward in relation to the grille and an installed position (indicated at I) wherein the grille clip is pivoted upward from the uninstalled position and is positioned for engagement with the attachment member.

The grille clip of the present invention is inserted into the installation end of the grille in the uninstalled position. When the grille is ready to be attached to the attachment member, the grille clip is quickly and easily rotated at the pivotal connection between the grille clip and the grille to allow the grille clip to be pivoted to the installed position wherein the grille clip is aligned for engagement with the attachment member so as to attach the grille to the attachment member.

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IV. Rejections Under 35 U.S.C. § 102

Claims 22-25, 28, 29, 31-35, and 41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,128,871 (Corey).

A. Claims 22-30 and New Claims 42 and 43

Claim 22, as amended, is directed to a fenestration system comprising:
a glass unit;
an attachment member secured to the glass unit;
a grille installed adjacent said glass unit, said grille comprising an installation end; and,
a grille clip pivotally connected to said installation end and engaged with said attachment member, said grille clip being pivotal between an uninstalled position and an installed position.

Claim 22, as amended, is patentable over the prior art of record, including in particular Corey, in that none of the references show or suggest a fenestration system having a grille and a grille clip pivotally connected to the installation end of the grille with the grille clip being pivotal between an uninstalled position and an installed position.

Corey discloses muntin bars 16 for a semi-circular glass window 10 that extend between a horizontal spacer 14 and a rounded spacer of the window. Clips 20 fit into and hold the muntin bars 16 at their respective angles relative to the spacers 14. Each clip includes a body 22 sized to fit inside the muntin bar 16 and a head 24 rotatably attached to the body at a pivot 32. The body 22 has a spring 34 that urges sides 28 and projections 36, 37, 38 against the muntin bar 16 to securely attach the clip 20 to the muntin bar at a predetermined position within the muntin bar. The clip 20 is in non-pivoting attachment to the muntin bar 16 via the attachment projections 36, 37, 38 and the sides 28 of the body 20. The pivot 32 allows the head 24 of the clip 20 to be positioned at an angle relative to the muntin bar 16 so that the muntin bar can be used on semi-circular windows. The body 22 of the clip 20 remains in non-pivoting attachment with the muntin bar 16 regardless of the positioning of the head 24 relative to the body 22.

Corey fails to show or suggest a grille clip pivotally connected to an installation end so that the grille clip is pivotal between an uninstalled position and an installed position. The term "connected" is defined as "joined or linked together", and the term "pivotally" is defined as "of,

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relating to, or constituting a pivot." Merriam-Webster's Online Dictionary, 10th Edition (2003). Under the ordinary meaning of the term "pivotally connected," the grille clip and installation end recited in claim 22 must be joined or linked together in a manner relating to or constituting a pivot.

The clip 20 of Corey is not pivotally connected to the muntin bar 16 in accordance with the ordinary meaning of the term "pivotally connected". The clip 20 and muntin bar 16 are not joined or linked together in a manner relating to or constituting a pivot. The only connection between the clip 20 and the muntin bar 16 is the non-pivoting connection of the projections 36, 37, and 38 and sides 28 which are urged against the inside walls of the muntin bar by the spring 34. In this way, the clip 20 is connected to the muntin bar 16 and held in a fixed position in the muntin bar such that the body 22 of the clip is fixedly connected to the muntin bar. The pivot 32 is not a connection between the muntin bar and the clip as the pivot 32 only enables the head 22 to pivot relative to the body 22 and in no way joins or links the clip to the muntin bar. Therefore, Corey lacks a teaching or suggestion of a clip "pivotally connected" to an installation end of the grille as recited in the claims.

Further, the method of installation of the muntin bars 16 of Corey also differs fundamentally from the present invention. While Corey is silent as to any specific method of installation of its muntin bars 16, one of ordinary skill in the art would have little choice but to install the muntin bars 16, spacers 14, and glass panes 10 simultaneously, since Corey does not disclose any feature of the clip 20 that would enable installation of the muntin bars in a previously attached spacer assembly. On the other hand, the clips of the present invention, as disclosed in paragraph [0050] and Fig. 6 of our published application U.S. 2004/0172895 A1, provide an installed clip position and an uninstalled clip position to enable installation on completed window units.

Accordingly, claim 22 is not anticipated by and is patentable over the references of record. Claims 23-30 and new claims 42 and 43, depending directly or indirectly from claim 22, are not anticipated by and are patentable over Corey and the other references of record for at least the same reasons as claim 22.

Additionally, new claim 42 recites that the grille clip comprises a rear portion in contact with the grille and an engagement piece extending from the installation end for engaging the

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attachment member, the engagement piece being moveable with the rear portion during the pivotal movement of the grille clip. Corey and the other references of record fail to teach or suggest such a grille clip being pivotally attached to a grille and having an engagement piece moveable with a rear portion of the clip during pivotal movement of the clip. Accordingly, new claim 42 is patentable over the references of record for this additional reason.

B. Claims 31-41 and New Claims 44 and 45

Claim 31, as amended, recites a decorative grille for a fenestration unit having an attachment member secured to a glass unit, said decorative grille comprising:

 a grille body having an installation end; and,

 a grille clip pivotally attached to said installation end for pivotal movement between an uninstalled position wherein said grille clip is free from engagement with said attachment member and an installed position wherein said grille clip is positioned for engagement with said attachment member.

Claim 31, as amended, is patentable over the prior art of record, including in particular Corey, in that none of the references teach or suggest a decorative grille for a fenestration unit having a grille body with an installation end and a grille clip pivotally attached to the installation end for pivotal movement between an uninstalled position wherein said grille clip is free from engagement with the attachment member and an installed position wherein said grille clip is positioned for engagement with the attachment member.

As noted above for claim 22, Corey discloses muntin bars 16 attached to a semi-circular glass window 10 having spacers 14 by clips 20 that fit into and hold the muntin bars at respective angles relative to the spacers. The clips 20 are attached to the muntin bars 16 by sides 28 and projections 36, 37, and 38 projecting from a body 22 of the clip. The body 22 of the clip 20 is urged against the walls of the muntin bar 16 by a spring 34. The clip 20 is fixedly attached to the muntin bar 16 so that the body 22 is held in a fixed position relative to the muntin bar.

Corey fails to teach or suggest a grille clip pivotally attached to an installation end so that the grille clip is pivotal between an uninstalled position and an installed position. The term "attached" is the intransitive form of the verb "attached" which is defined as "to make fast"

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wherein "fast" is meant as "firmly fixed", and the term "pivotally" is defined as "of relating to, or constituting a pivot". Merriam-Webster's Online Dictionary, 10th Edition (2003). Under the ordinary meaning of the term "pivotally attached," the grille clip of claim 31 must be firmly fixed to the installation end in a manner relating to or constituting a pivot.

The clip 20 of Corey is not pivotally attached to the muntin bar 16 in accordance with the ordinary meaning of the term "pivotally attached." The clip 20 and the muntin bar 16 are not firmly fixed in a manner relating to or constituting a pivot. The only attachment between the clip 20 and the muntin bar 16 is the non-pivoting attachment of the projections 36, 37, and 38 and sides 28 which are urged against the inside walls of the muntin bar by the spring 34. In this way, the clip 20 is attached to the muntin bar 16 and held in a fixed position in the muntin bar such that the body 22 of the clip is firmly fixed to the muntin bar. The pivot 32 does not attach the clip 20 to the muntin bar 16 as the pivot only attaches the head 22 to the body 22 of the clip and in no way firmly fixes the clip to the muntin bar. Therefore, Corey completely lacks a teaching or suggestion of a clip "pivotally attached" to an installation end of the grille as recited in the claims.

Further, the method of installation of the muntin bars 16 of Corey also differs fundamentally from the present invention. While Corey is silent as to any specific method of installation of its muntin bars 16, one of ordinary skill in the art would have little choice but to install the muntin bars 16, spacers 14, and glass panes 10 simultaneously, since Corey does not disclose any feature of the clip 20 that would enable installation of the muntin bars in a previously attached spacer assembly. On the other hand, the clips of the present invention, as disclosed in paragraph [0050] and Fig. 6 of our published application U.S. 2004/0172895 A1, provide an installed clip position and an uninstalled clip position to enable installation on completed window units.

Accordingly, claim 31 is not anticipated by and is patentable over the references of record. Claims 32-40 and new claims 44 and 45, depending directly or indirectly from claim 31, are not anticipated by and are patentable over Corey and the other references of record for at least the same reasons as claim 31.

Additionally, new claim 44 recites that the grille clip comprises a rear portion in contact with the grille and an engagement piece extending from the installation end for engaging the

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attachment member, the engagement piece being moveable with the rear portion during the pivotal movement of the grille clip. Corey and the other references of record fail to teach or suggest such a grille clip being pivotally attached to a grille and having an engagement piece moveable with a rear portion of the clip during pivotal movement of the clip. Accordingly, new claim 44 is submitted as patentable over the references of record for this additional reason.

C. New Claims 46 and 47

New claim 46 is original claim 27 written in independent form. Claim 27 was indicated as being allowable in the Office action. Accordingly, claim 46 is patentable and allowable over the prior art of record.

New claim 47 includes the subject matter of original claim 35 written in independent form. Claim 35 was indicated as being allowable in the Office action. Accordingly, claim 46 is patentable over the prior art of record.

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III. Conclusion

In view of the above remarks, the rejections of the claims set forth in the Final Office Action are believed to have been addressed and overcome. All pending claims are thus in condition for allowance and an early notice of allowance is earnestly solicited.

If issues may be resolved through Examiner's Amendment, or clarified in any manner, please call the undersigned attorney at (404) 879-2453.

Respectfully submitted,

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